

**REMARKS**

Applicant thanks the Examiner for acknowledging Applicants' claim for foreign priority and reception of the certified copy of the foreign priority document that was submitted on 13 April 2004. Applicant also thanks the Examiner for having returned initialed copies of the PTO 1449s that were submitted on 13 April 2004, 7 Sept. 2004, and 27 Dec. 2005.

Applicant also submitted a Supplementary Information Disclosure Statement on June 6, 2006 including an Examination Report from a foreign patent office (Great Britain). Applicant respectfully requests that the Examiner return an initialed copy of the PTO 1449 that was submitted on June 6, 2006.

Claims 1 – 9 are pending. Claims 2 and 3 have been canceled. Applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 and 4 – 9 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,320,495 to Sporgis. The applicant respectfully requests that this rejection be withdrawn for the following reasons.

Claim 1 has been amended to recite the novel embodiment disclosed, for example, on pgs. 11 – 14 of a navigation system-based game apparatus 1 comprising: a guiding means for providing route guidance to a preset location, the guiding means providing the route guidance to a game player; an arrival determining means for determining an arrival at a guide point that is provided as the preset location in the route guidance by the guiding means; and a scoring means for scoring points based on the determination performed by the arrival determining means and storing the score. The route guidance includes at least one of the following: (a) a bearing and a distance between a location of the game player and the guide point (See 51 – 53 of Fig. 5); (b) a

visual display of the physical location of the guide point on a displayed map (See 61 of Fig. 8); and (c) information reflective of an optimal route between a current location of the game player and the guide point, the optimal route being calculated by the guiding means (See pg. 7), wherein the preset location includes predetermined points and a predetermined scoring condition and the scoring means scores the points if the predetermined scoring condition is satisfied at the arrival.

Sporgis discloses a treasure hunt game designed over a certain territorial area in which each player is equipped with a mobile wireless communication device 10 that incorporates a GPS receiver 11. The players' GPS receivers 11 receive navigation data from GPS satellites 13 and determine player locations. Player locations are transmitted back to the gamemaster by the players' wireless communication devices 14. The gamemaster determines the next clue to be given to a particular player based upon the player's location as well as other variables, such as the number of clues the player has correctly answered and the position of the other players. That next clue is then transmitted to the player 15 and displayed on the player's wireless communication device. The players interpret the clues and proceed along a predetermined route, possibly including detours, to the treasure. The first player to arrive at the treasure wins the game.

The Examiner has asserted that the mobile wireless communication device 10 that incorporates a GPS receiver 11 discloses a guiding means for providing route guidance to a preset location. Applicant respectfully disagrees. Particularly, the GPS receiver only provides information related to the present position of the user. Further, because of the nature of the treasure hunt game, specific route guidance to the destination point is not given to the player. Rather, the player must work out the identity of the destination point and decide how to reach the destination point based on clues from the gamemaster.

Assuming *arguendo* that the mobile wireless communication device 10 that incorporates a GPS receiver 11 discloses a guiding means for providing route guidance to a preset location,

the GPS receiver 11 fails to provide route guidance including at least one of the following: (a) a bearing and a distance between a location of the game player and the guide point; (b) a visual display of the physical location of the guide point on a displayed map; and (c) information reflective of an optimal route between a current location of the game player and the guide point, the optimal route being calculated by the guiding means. Rather, Sporgis merely discloses that the GPS receiver 11 only provides the current position of the game player (See Col. 3, Lines 5 – 7).

Further, Sporgis teaches away from providing route guidance to a preset location. A *prima facie* case of obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. (See MPEP 2144.05 III, 8<sup>th</sup> Ed., Rev. 1, Feb. 2003). Indeed, the central theme of Sporgis's game is the players' working out for themselves the identity and location of the points to which they are to travel, based on clues that are necessarily deliberately vague (See, e.g., Col. 4, Lines 61 – Col. 5, Line 10). Sporgis's example of such a clue guides players to San Diego's well-known and historically significant Coronado hotel based in part on its being a place "where famous people sometimes stay." If one of Sporgis's players were simply provided with the bearing and distance to the hotel, a display of the hotel's location on a map, or an optimal route to the hotel, Sporgis's game would be ruined, as would any such scavenger hunt type game where the essence of the game is for the players to find there way based on their own solutions to relatively non-specific clues. Sporgis thus teaches away fom providing route guidance to a preset location based upon specific information as recited in amended claim 1.

Further, Sporgis fails to teach or suggest scoring and storing points in his competition/game. The Examiner has asserted that it is standard to calculate who wins by scoring means using a preset time limit. It appears that the Examiner is attempting to take

official notice of this as a fact. Applicant respectfully requests that the Examiner cite a reference disclosing this limitation as provided by MPEP 2144.03.

Further, Sporgis also fails to teach that the preset location includes predetermined points and a predetermined scoring condition and the scoring means scores the points if the predetermined scoring condition is satisfied at the arrival.

In summary, Sporgis fails to teach or suggest a guiding means for providing route guidance to a preset location, wherein the route guidance includes at least one of: (a) a bearing and a distance between a location of the game player and the guide point; (b) a visual display of the physical location of the guide point on a displayed map; and (c) information reflective of an optimal route between a current location of the game player and the guide point, the optimal route being calculated by the guiding means, wherein the preset location includes predetermined points and a predetermined scoring condition and the scoring means scores the points if the predetermined scoring condition is satisfied at the arrival. Further, Sporgis teaches away from providing route guidance to a preset location. In view of the above conclusions, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. 103(a) be withdrawn.

Claims 4 – 9 depend from claim 1. Therefore, the rejection of these claims should be withdrawn for at least the above-mentioned reasons with respect to claim 1.

Claims 7 – 9 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,320,495 to Sporgis in view of U.S. Patent Pub. No. 2003/0225508 to Petzold *et al.* (hereafter: “Petzold”). Claims 7 – 9 depend from claim 1. Therefore, the rejection of these claims should be withdrawn for at least the above-mentioned reasons with respect to claim 1.

In the section entitled conclusion, the Examiner remarked that there was no clear support for “a scoring means” and also remarked that “the computer program is not disclosed knowing that this program is essential to practice the invention.” Numerous paragraphs were cited, but it

is not clear to what reference the Examiner is referring to in this discussion. However, the scoring means is shown in, for example, the flow diagrams of Figs. 3 – 4.

In view of the foregoing, applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the Examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, reading "Kerry S. Culpepper", written over a horizontal line.

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